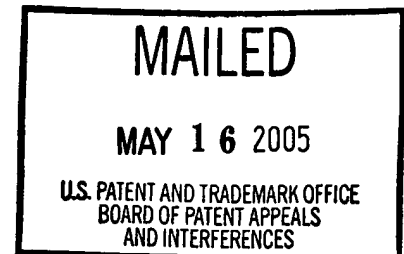


UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Ex parte BALBIR KUMAR

Application No. 09/831,555



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on March 8, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

In accordance with new rules effective September 13, 2004, 37 CFR § 41.37, the Appeal Brief filed November 12, 2004 is defective for lacking the following items:

1. Summary of claimed subject matter.
2. Grounds of rejection to be review on appeal.
3. Evidence appendix.
4. Related proceeding appendix.

Also the Examiner's Answer is defective for the following reasons:

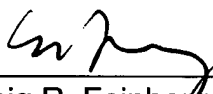
1. Examiner did not provide any summary of the claimed invention, but rather relied upon a purported submission in the Brief by the applicant of which there was none.
2. No prior art was listed under the Evidence relied upon.
3. The examiner did not provide any grounds of rejections.

Accordingly, it is

ORDERED that the application is returned to the Examiner to 1) require a corrected Appeal Brief, 2) provide a corrected Examiner's Answer and 3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: _____


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